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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C.

IN THE MATTER OF:

) MM DOCKET NO. 97-225

)  
) ***Amendment of 47 C.F.R. §73.202(b)***  
) ***Table of FM Allotments***  
) ***(Olney and Archer City, Texas)***

) RM-9173

**RECEIVED**

)  
) To: The Chief, Allocations Branch  
) Policy and Rules Division

) JAN - 6 1998

)  
) FEDERAL COMMUNICATIONS COMMISSION  
) OFFICE OF THE SECRETARY

**REPLY COMMENTS OF TEXAS GRACE COMMUNICATIONS**

Comes now **Texas Grace Communications**. ("Texas Grace"), by Counsel, and pursuant to Section 1.415 of the Commission's Rules, hereby respectfully submits these Reply Comments in support of the above-captioned *Notice of Proposed Rule Making*,<sup>1</sup> proposing the reallocation of Channel 248C2 from Olney to Archer City, Texas, and the modification of Texas Grace's Radio Station KRZB (FM) construction permit to specify Archer City as its Community of License. In addition Texas Grace proposes the allotment of Channel 270C2 at Olney, Texas. In support thereof, the following is shown:

***Introduction***

1. Pursuant to a Petition for Rule Making submitted by Texas Grace, the Commission issued the *NPRM* on October 31, 1997, proposing to amend the Table of FM Allotments Section 73.202(b) of the Rules, as follows:

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<sup>1</sup> DA 97-2273, MM Docket No. 97-225, RM-9173 (released October 31, 1997) (hereinafter, "*NPRM*").

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***FM TABLE OF ALLOTMENTS***

<b><i>Community</i></b>	<b><i>Present</i></b>	<b><i>Proposed</i></b>
Olney, Texas	248C2	270C2
Archer City, Texas	-----	248C2

2. The Commission requested in the *NPRM* at page 3, that Comments be submitted by members of the public on the proposal on or before December 22, 1997 and Reply Comments on or before January 6, 1998. Accordingly, the instant Reply Comments of Texas Grace are being submitted in timely fashion. Furthermore, Texas Grace hereby incorporates by reference herein its original Petition, and Comments filed on December 22, 1997.

3. To the best of Texas Graces's knowledge, based upon the material received by Texas Grace and its counsel, and the customary search of the Commission's records, only one Comment (other than Texas Grace's own comment) pertaining to the referenced Rule Making proposal was made to the Commission by the December 22, 1997 filing due date as set forth in the *NPRM*.

4. By this Reply Comment, Texas Grace is therefore responding to the sole comment from another party served on the Commission, as referenced, which is Hunt Broadcasting, Inc., ("HBI"), identifying itself as the Licensee of Radio Station KIKM-FM (formerly KDVE) Denison-Sherman, Texas, and the Permittee of Radio Station KJKB (FM), Jacksboro, Texas.

***No Opposition to Reallotment to Archer City, Texas  
or Replacement Channel for Olney, Texas***

5. In HBI's Comment and Counterproposal (hereinafter, "HBI's Comments"), the Commission should note that "HBI does not oppose the proposal of Texas Grace Communications ... to reallot Channel 248C2 from Olney to Archer City, Texas and modify the construction permit for Station KRZB, accordingly." (See HBI's Comments

at page 1). HBI goes on to say that it “does not oppose allotting a replacement channel at Olney to provide a first local service” (See HBI’s Comments at page 1).

6. The only concern expressed by HBI (by way of counterproposal) is the replacement channel on which Olney will receive its service. Specifically, HBI complains about the Commission’s having accepted and proposed in the *NPRM* that such service for Olney be on Channel 270C2, and instead requests utilization of Channel 282C2.

7. Texas Grace noted in its Comments, at the time it filed its referenced August 7, 1997 Petition for Rule Making, the Commission’s own engineering data base clearly allowed for utilization of Texas Grace’s originally requested Channel 270C2 replacement service at Olney. However, HBI has claimed in its Comments that the availability of Channel 270C2 was due to Commission “oversight”, and that Texas Grace’s usage of this channel was precluded by a plan HBI had previously instituted (See Counterproposal to MM Docket No. 97-104) to use 269C3 or C1 at Denison-Sherman, Texas, for a change of community move-in to Azle, Texas on Channel 269C.

8. Texas Grace noted in its Comments that the Commission on its own initiative, substituted Channel 282C2 for Channel 270C2 service at Olney, and affirmed a willingness to cooperate with the Commission to avoid any possible conflict<sup>2</sup>.

### ***Conclusion***

9. In review, the Commission should please note that there is no opposition on record from any party to Texas Grace’s proposal to establish first aural transmission service to Archer City on Channel 248C2, nor has there been any opposition expressed regarding the reallocation of Channel 248C2 from Olney to Archer City, Texas to accomplish this. There has similarly been no opposition expressed to the allotting of a replacement channel at Olney to ensure a first local service in that community.

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<sup>2</sup> See Texas Grace’s Comments at page 6.

10. The only question at hand is which channel will be utilized to provide Olney such service, as noted. To this end, Texas Grace again affirms its desire to work with the Commission towards establishing the most preferential arrangement of allotments, and generally avoiding conflict between parties.

11. To prevent any such conflict between the provision of first local services at Olney and Azle, or resultant conflict between Texas Grace and HBI, Texas Grace will accept what it understands to be the Commission's initiative to substitute allotment of Channel 282C2 service at Olney, but with one stipulation. That is, should the Commission elect to disallow HBI or a subsequent entity to establish Channel 269 service at Azle (pursuant to MM Docket No. 97-225), Texas Grace respectfully requests that Channel 270C2 service as originally proposed and accepted in the *NPRM* be allotted to Olney, Texas.

**WHEREFORE**, Texas Grace respectfully urges consideration and acceptance of the of the forgoing Reply Comments.

Respectfully submitted,

**TEXAS GRACE COMMUNICATIONS**

By: 

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Its Attorneys

January 6, 1998

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### Certificate of Service

I, John C. Trent, a partner in the law firm of *Putbrese, Hunsaker and Trent, P.C.*, do hereby certify that I have, on this January 6, 1998, sent by first class U.S. Mail, postage prepaid, the forgoing "***Reply Comments of Texas Grace Communications***" to the following:

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A handwritten signature in dark ink, appearing to read 'John C. Trent', is written over a horizontal line.

John C. Trent, Esquire